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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREI S. BORGHERIU

Defendant.

Case No: 4:22-CR-6040-SAB

United States' Supplemental Proposed  
Jury Instruction

The parties previously submitted proposed jury instructions at ECF No. 75. The  
United States submits the following additional proposed jury instructions.

Respectfully Submitted this 3<sup>rd</sup> day of February, 2025.

Vanessa R. Waldref  
United States Attorney

s/Frieda K. Zimmerman  
Frieda K. Zimmerman

Jeremy J. Kelley  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/ Frieda K. Zimmerman  
Frieda K. Zimmerman  
Assistant United States Attorney

JURY INSTRUCTION No. \_  
Deliberate Ignorance

You may find that the defendant acted knowingly if you find beyond a reasonable doubt that:

First, the defendant was aware of a high probability that the representations or promises he made to the SBA were false, and

Second, the defendant deliberately avoided learning the truth.

You may not find such knowledge, however, if you find that the defendant actually believed that the representations or promises he made to the SBA were not false, or if you find that the defendant was simply negligent, careless, or foolish.

JURY INSTRUCTION No. \_  
Transcript of a Recording in English

You are about to hear a recording that has been received in evidence. Please listen to it very carefully. Each of you has been given a transcript of the recording to help you identify speakers and as a guide to help you listen to the recording. However, bear in mind that the recording is the evidence, not the transcript. If you hear something different from what appears in the transcript, what you hear is controlling. After the recording has been played, the transcript will be taken from you.

9th Cir. Crim. Jury Instr. 2.6 (2024)